THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1970 of 2005

Dated:01.08.2007

Between
T.Achamma

.....Petitioner

and

1.The Commissioner and Director of
Municipal Administration, AP
Hyderabad and another.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1970 of 2005

ORDER:

This writ petition has been filed seeking a Mandamus to declare the action of 2nd respondent in not implementing and considering the circular issued by 1st respondent vide Roc.No.3824/91-G1 dated 6.2.1991 and also not considering the Council Resolution No. 143 dated 31.1.2004 as arbitrary and illegal and consequently to direct 2nd respondent to implement the said circular duly permitting the petitioner to pay the lease amount at Rs2.50 per sq. feet instead of Rs.420/- in respect of Mulgi bearing No.G-5,

Tairamaidan, Municipal Complex, Gadwal, Mahaboobnagar District and further to direct 2nd respondent to refund the excess amount of lease paid by the petitioner from the date of allotment.

It appears that the petitioner was allotted Mulgi bearing No.G-5, Tairamaidan, Municipal Complex, Gadwal, Mahaboobnagar District, on a monthly rent of Rs.420/-. Thereafter, the petitioner came to know that a Circular dated 6-2-1991 was issued by the Commissioner and Director of Municipal Administration, Andhra Pradesh, Hyderabad whereunder 15% of shops and stalls were reserved to the members of SCs without the normal channel of public auction, at 50% of the rent of adjacent shops or stalls leased out in public auction or

Rs.2.50 per sq ft, whichever is less and that the production of solvency certificate and six months advance rentals need not be insisted upon from the members of SCs. According to the petitioner, she belongs to SC community and is liable to pay rent only at the rate of Rs.2.50 per sq ft and not Rs.420/- as fixed by 2nd respondent. When this was brought to the notice of the Municipal council, it passed a resolution dated 31.1.2004 accepting to collect the lease amount at the rate of 2.50 per sq ft.

Now, it is the grievance of the petitioner that in spite of there being a resolution dated 31.1.2004, the respondents are insisting upon payment of Rs.420/- per month for the mulgi allotted to her.

No counter is filed.

While admitting the writ petition on 8.6.2005, in WPMP No.2641 of 2005 this Court granted interim direction. Pursuant to the same, the petitioner is paying Rs.2.50 per sq ft.

In view of the above and particularly in view of resolution dated 31.1.2004 passed by the Municipal Council of Gadwal, 2nd respondent is directed to implement the said resolution without any further delay, fixing the rent for the Mulgi bearing No.G-5, Tairamaidan, Municipal Complex, Gadwal, Mahaboobnagar at the rate of Rs.2.50 per sq ft or as is enhanced from time to time. Insofar as the excess amount collected by the 2nd respondent contrary to the said circular is concerned, the same shall be

adjusted in future rents to be collected from the petitioner.

Writ petition is disposed of accordingly. No costs.

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01-08-2007

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